



# House of Representatives

General Assembly

**File No. 95**

*January Session, 2011*

Substitute House Bill No. 5326

*House of Representatives, March 21, 2011*

The Committee on Education reported through REP. FLEISCHMANN of the 18th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT REQUIRING THE PRESENCE OF CARBON MONOXIDE DETECTORS IN ALL PUBLIC SCHOOLS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-292 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2011*):

3 (a) (1) The State Fire Marshal and the Codes and Standards  
4 Committee shall adopt and administer a Fire Safety Code and at any  
5 time may amend the same. The code shall be based on a nationally  
6 recognized model fire code and shall be revised not later than January  
7 1, 2005, and thereafter as deemed necessary to incorporate advances in  
8 technologies and improvements in construction materials and any  
9 subsequent revisions to the code not later than eighteen months  
10 following the date of first publication of such revisions to the code,  
11 unless the State Fire Marshal and the committee certify that a revision  
12 is not necessary for such purpose. The regulations in said code shall  
13 provide for reasonable safety from fire, smoke and panic therefrom, in

14 all buildings and areas adjacent thereto except in private dwellings  
15 occupied by one or two families and upon all premises, and shall  
16 include provision for [(1)] (A) carbon monoxide detection and warning  
17 equipment in (i) new residential buildings not exempt under  
18 regulations adopted pursuant to this subsection and designed to be  
19 occupied by one or two families for which a building permit for new  
20 occupancy is issued on or after October 1, 2005, and [(2)] (ii) all public  
21 or nonpublic school buildings, and (B) smoke detection and warning  
22 equipment in [(A)] (i) residential buildings designed to be occupied by  
23 two or more families, [(B)] (ii) new residential buildings designed to be  
24 occupied by one family for which a building permit for new occupancy  
25 is issued on or after October 1, 1978, requiring equipment complying  
26 with the Fire Safety Code, and [(C)] (iii) new residential buildings  
27 designed to be occupied by one or more families for which a building  
28 permit for new occupancy is issued on or after October 1, 1985,  
29 requiring equipment capable of operation using alternating current  
30 and batteries.

31 (2) Said regulations shall provide the requirements for markings  
32 and literature which shall accompany such equipment sufficient to  
33 inform the occupants and owners of such buildings of the purpose,  
34 protective limitations and correct installation, operating, testing,  
35 maintenance and replacement procedures and servicing instructions  
36 for such equipment and shall require that smoke detection and  
37 warning equipment which is installed in such residential buildings  
38 shall be capable of sensing visible or invisible smoke particles, that the  
39 manner and location of installing smoke detectors shall be approved  
40 by the local fire marshal or building official, that such installation shall  
41 not exceed the standards under which such equipment was tested and  
42 approved and that such equipment, when activated, shall provide an  
43 alarm suitable to warn the occupants, provided each hotel, motel or  
44 inn shall install or furnish such equipment which, when activated,  
45 shall provide a visible alarm suitable to warn occupants, in at least one  
46 per cent of the units or rooms in such establishment having one  
47 hundred or more units or rooms and in establishments having less  
48 than one hundred units or rooms, it shall install or furnish at least one

49 such alarm.

50 (3) Said regulations shall provide the requirements and  
51 specifications for the installation and use of carbon monoxide detection  
52 and warning equipment and shall include, but not be limited to, the  
53 location, power requirements and standards for such equipment and  
54 exemptions for buildings that do not pose a risk of carbon monoxide  
55 poisoning due to sole dependence on systems that do not emit carbon  
56 monoxide. Said regulations shall also provide the requirements for  
57 testing and inspecting carbon monoxide detection and warning  
58 equipment installed in public or nonpublic school buildings and shall  
59 include, but not be limited to, the frequency with which such  
60 equipment shall be tested and inspected.

61 (b) (1) No certificate of occupancy shall be issued for any residential  
62 building designed to be occupied by two or more families, or any new  
63 residential building designed to be occupied by one or more families  
64 for which a building permit for new occupancy is issued on or after  
65 October 1, 1978, unless the local fire marshal or building official has  
66 certified that [said] such building is equipped with smoke detection  
67 and warning equipment complying with the Fire Safety Code.

68 (2) No certificate of occupancy shall be issued for any (A) new  
69 residential building not exempt under regulations adopted pursuant to  
70 subsection (a) of this section and designed to be occupied by one or  
71 two families for which a building permit for new occupancy is issued  
72 on or after October 1, 2005, or (B) public or nonpublic school building  
73 for which a building permit for new occupancy is issued on or after  
74 January 1, 2012, unless the local fire marshal or building official has  
75 certified that [said] such residential or school building is equipped  
76 with carbon monoxide detection and warning equipment complying  
77 with the Fire Safety Code.

78 Sec. 2. Subdivision (2) of subsection (a) of section 29-315 of the  
79 general statutes is repealed and the following is substituted in lieu  
80 thereof (*Effective October 1, 2011*):

81 (2) When any building is (A) to be built as an educational  
 82 occupancy, (B) eligible for a school building project grant pursuant to  
 83 chapter 173, and (C) put out to bid on or after July 1, 2004, such  
 84 building shall have on each floor (i) an automatic fire extinguishing  
 85 system approved by the State Fire Marshal, [on each floor] and (ii) a  
 86 carbon monoxide detection and warning system. As used in this  
 87 subsection, "educational occupancy" has the same meaning as  
 88 provided in the Fire Safety Code.

This act shall take effect as follows and shall amend the following sections:

|           |                        |              |
|-----------|------------------------|--------------|
| Section 1 | <i>July 1, 2011</i>    | 29-292       |
| Sec. 2    | <i>October 1, 2011</i> | 29-315(a)(2) |

**Statement of Legislative Commissioners:**

In section 1(a)(3), the word "detectors" was changed to "equipment" for accuracy, and in section 1(b)(2) the phrase "residential or school" was inserted before "building" for clarity.

**PS**            *Joint Favorable Subst. C/R*

ED

**ED**            *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### ***OFA Fiscal Note***

#### ***State Impact:***

| <b>Agency Affected</b>       | <b>Fund-Effect</b> | <b>FY 12 \$</b>   | <b>FY 13 \$</b> |
|------------------------------|--------------------|-------------------|-----------------|
| State Technical High Schools | GF - Cost          | Less than \$5,000 | Minimal         |

Note: GF=General Fund

#### ***Municipal Impact:***

| <b>Municipalities</b>  | <b>Effect</b>        | <b>FY 12 \$</b>                | <b>FY 13 \$</b> |
|------------------------|----------------------|--------------------------------|-----------------|
| Various Municipalities | STATE MANDATE - Cost | Less than \$5,000 per district | Minimal         |

### ***Explanation***

The bill, which requires that all public and nonpublic school buildings be equipped (on each floor) with carbon monoxide detection equipment, is anticipated to result in a state mandate and a cost of less than \$5,000 in FY 12 to both the state and various municipalities, and a minimal cost in FY 13 to the state and various municipalities.

It is estimated that each carbon monoxide detector would cost less than \$50<sup>1</sup>, and that no municipality, district, or the state technical high school system would require resources exceeding \$5,000 to implement this new mandate. Some districts may require significantly fewer resources, as they could already have carbon monoxide detectors located in school buildings.

The minimal cost in FY 13 to various municipalities and the state is associated with the new requirement that any new building or eligible building for a school construction grant must meet this new standard.

<sup>1</sup> [http://www.nyc.gov/html/dob/html/guides/co\\_faq.shtml](http://www.nyc.gov/html/dob/html/guides/co_faq.shtml)

A new two story building would incur additional costs of approximately \$100<sup>2</sup>.

***The Out Years***

The minimal fiscal impact in FY 13 would continue into the future, subject to the rate of new school construction.

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<sup>2</sup> The state partially reimburses school construction projects on a sliding scale of 20%-80%.

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**OLR Bill Analysis****sHB 5326*****AN ACT REQUIRING THE PRESENCE OF CARBON MONOXIDE DETECTORS IN ALL PUBLIC SCHOOLS.*****SUMMARY:**

This bill requires all public and nonpublic school buildings to be equipped with carbon monoxide (CO) detection equipment complying with the Fire Safety Code. It requires the code to include requirements and specifications for testing and inspecting the equipment, including the frequency of testing and inspections.

The bill requires CO detection and warning equipment on each floor of any building that is (1) to be built as an educational occupancy, (2) eligible for a school building project grant, and (3) put out to bid on or after July 1, 2004.

The bill prohibits the building inspector from issuing a certificate of occupancy to any public or nonpublic school issued a building permit for new occupancy after January 1, 2012, unless the local fire marshal or building official certifies that the building is equipped with CO detection and warning equipment complying with the Fire Safety Code.

EFFECTIVE DATE: July 1, 2011 except the provision on building projects eligible for school construction grants takes effect October 1, 2011.

**COMMITTEE ACTION**

Public Health Committee

Change of Reference

Voice Vote

(01/24/2011)

Public Safety and Security Committee

Joint Favorable Substitute Change of Reference

Yea 19 Nay 1 (02/22/2011)

Education Committee

Joint Favorable

Yea 22 Nay 8 (03/02/2011)